Regarding the §103 rejection of claims 1-2 and 5-6 over Lauby 6,043,640 in view of Kim 5,896,096, applicant respectfully cannot agree that it would be obvious to modify Lauby to incorporate a vibrator indicator as taught by Kim. It is pointed out that claim 1 calls for the motor to be activated in response to the DC control level voltage. Accordingly, the motor runs at a rate proportional to the AC voltage input signal. This is also called for in claim 1. A motor running at a rate proportional to the AC voltage input signal is not found in Lauby or Kim. As the Examiner recognizes, Lauby has no motor at all. The motor in Kim runs at a rate governed by how many iterations of its program have occurred since being activated by receipt of a page or call. The multiplexer 42 supplies a first voltage from a set of N preselected voltages and then checks for activation of a confirmation key. If no confirmation key is pressed, the voltage number is incremented by 1 and the next level of voltage is applied. Thus, the voltage supplied to the motor is not controlled by the AC voltage input signal, it is controlled by the number of program iterations during non-activation of the confirmation key. This is confirmed at Kim Col. 3, lines 32-34 where it states the multiplexer is stepped through the discreet resistance levels. It should also be noted that the voltage levels in Kim are preset at discreet levels. None of them are related to an external voltage level. Thus, even if Lauber and Kim were combined, the combination would not perform in the manner described in the present invention and as called for in claim 1.

With regard to claim 2, as just pointed out, the motor drive circuit in Kim is not responsive to the DC control level voltage. In effect, Kim's circuit alters the drive voltage based on how much time has elapsed after receipt of a page and prior to user activation of the confirmation key. This is not a teaching of the subject of claim 2.

Turning now to the rejection of claim 11 as obvious over Shirai 5,349,289 in view of Luebke 5,877,618, we have the following observations. Shirai '289 does not have a non-contact voltage sensor, as the Examiner acknowledges. Luebke '618 has such a sensor but in a completely different character of tester. Luebke '618 is a "pen-like pocket held" device. See Col. 1, lines 20 and 44-45. Shirai '289 is not a pen-like, pocket held tester, it is a clamp meter. It would not be obvious to combine the probe 26 of Luebke with the jaws 14a, 14b of Shirai because doing so would defeat the desired characteristics of Luebke, namely, a tester that is shaped like a pen so that it fits easily in a user's pocket. Furthermore, we find nothing in the cited references that suggests making the posited combination. Only by using the teaching of applicant's disclosure would one consider making a combination of Shirai and Luebke. This hindsight reconstruction of the prior art is not a proper basis for a rejection of claim 11. Reconsideration of the rejection of claim 11 is requested.

Claim 12 is allowable along with independent claim 11 and for the additional reasons set forth above with respect to claim 1. That is, even if a combination of Shirai, Luebke, and Kim were made, the resulting structure would not have a motor driving an eccentrically-mounted weight at a rate proportional to the AC input voltage signal. A device resulting from the combination of those three references would drive a motor at a rate related to the elapsed time after receipt of a page prior to activation of a confirmation key.

It is submitted that the above amendments place the application in condition for allowance. Accordingly, the application is resubmitted for reconsideration. A favorable action is respectfully requested.

Respectfully submitted,

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COPY OF THE CLAIMS SHOWING CHANGES MADE

1. (Amended) An [A] electronic test instrument, comprising:

a probe for acquiring an AC voltage input signal;

a converter circuit connected to the probe for converting the AC voltage signal to a DC control level voltage proportional to the AC voltage signal; and

a motor having an [eccentric] eccentrically-mounted weight for creating vibration when the motor is activated, the motor being activated in response to the DC control level voltage so as to run at a rate proportional to the AC voltage input signal.

7. (Amended) An [A] electronic test instrument, comprising:

a probe for acquiring an AC voltage input signal;

a first converter circuit for converting the AC voltage input signal to a DC equivalent reference voltage signal;

a band reject filter circuit for notching out a selected frequency signal from the AC voltage input signal to create an AC non-fundamental signal;

a second converter circuit for converting the AC non-fundamental signal to a distortion signal which is proportional to the total distortion and noise in the AC voltage input signal;

a comparator circuit for comparing the distortion signal to the DC equivalent reference voltage; and

an indicator for indicating at least one of the conditions where the DC non-fundamental signal is above or below the DC equivalent reference voltage.

10. (Amended) The electronic test instrument of claim 7 further comprising:

a converter circuit connected to the probe for converting the AC voltage signal to a DC control level voltage proportional to the AC voltage signal; and

a motor having an [eccentric] eccentrically-mounted weight for creating vibration when the motor is activated, the motor being activated in response to the DC control level voltage so as to run at a rate proportional to the AC voltage input signal.

12. (Amended) The electronic test instrument of claim 11 further comprising:

a probe for acquiring an AC voltage input signal;

a converter circuit connected to the probe for converting the AC voltage signal to a DC control level voltage proportional to the AC voltage signal; and

a motor having an [eccentric] eccentrically-mounted weight for creating vibration when the motor is activated, the motor being activated in response to the DC control level voltage so as to run at a rate proportional to the AC voltage input signal.